

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MILTON MITCHELL,

Plaintiff,

v.

Captain PHELPS, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:17-CV-417 (MTT)

ORDER

United States Magistrate Judge Thomas Q. Langstaff recommends denying Plaintiff Milton Mitchell's Motion for Default Judgment against Defendant Phelps because Defendant Phelps filed a timely answer on May 30, 2018 and sought to defend this suit. Doc. 28 at 1. The Plaintiff has objected to the Recommendation. Doc. 33. Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed de novo the portions of the Recommendation to which the Plaintiff objects, and the Court accepts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 28) is **ADOPTED** and made the order of this Court. Accordingly, the Plaintiff's Motion for Default Judgment (Doc. 26) is **DENIED**.

SO ORDERED, this 17th day of September, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT